APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,890	03/22/2000	Gian Fulgoni	032838-001	7977

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EXAMINER
REAGAN, JAMES A

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application N .	Applicant(s)
Office Action Summary	09/532,890	FULGONI ET AL.
	Examin r	Art Unit
	James A. Reagan	3621

-- The MAILING DATE of this communicati n appears on the c ver sheet with the correspondence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 January 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10</u> .	6)☐ Other: .

DETAILED ACTION

Status of Claims

1.   This action is in response to the amendment received on 03 January 2003.

2.   Claims 1, 5, and 16 have been amended (paper #9).

3.   Claims 1-17 have been examined.

4.   The rejections of claims 1, 5, and 16 have been updated to reflect the amended limitations.

5.   The rejections of the remaining claims are unchanged.

Information Disclosure Statement

6.   The Information Disclosure Statement filed on 29 January 2003 (paper no. 10) has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Response to Arguments

7.   Applicant's arguments with respect to claims 1, 5, 16, and 17 have been considered but are moot in view of the new ground(s) of rejection.

8.   The following is a **Final Rejection** of all claims and associated limitations pending in the current application as amended in paper #7.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the invention
> was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
> shall not be negatived by the manner in which the invention was made.

10.   Claims 1-6 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reed et al. (US 5,862,325) in view of Pistriotto et al (US 6,138,162).

Examiner's note: Examiner has pointed out particular references contained in

the prior art of record in the body of this action for the convenience of the

Applicant. Although the specified citations are representative of the teachings in

the art and are applied to the specific limitations within the individual claim, other

passages and figures may apply. Applicant, in preparing the response, should

consider fully the *entire* reference as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or

disclosed by the examiner.

Claims 1, 5, and 16:

Reed discloses an automated communications system operates to

transfer data, metadata and methods from a provider computer to a consumer

computer through a communications network (abstract). Reed also discloses

Domain Name Service (DNS) and HTTP redirect command (column 80, lines 38-

64). Although Reed does not specifically disclose the following limitations,

Pistriotto, as indicated, does:

- *directing all data sets from the computing device to a known domain* (column1, lines 14-17);

- *assigning a unique identifier to the computing device to differentiate it from other computers that similarly direct data sets from the computing devices to said known domain* (column 4, line 56 to column 5, line 31);

- *readdressing data sets sent from the computing device to indicate that the data sets originated in the known domain* (column 4, line 56 to column 5, line 31);

- *recording at least part of the data sets* (column 3, lines 1-12); *and*

- *sending the readdressed data onto the network* (column 4, line 56 to column 5, line 31).

- *negotiating a first encryption key with the computing device;* and

- *negotiating a second encryption key with an intended recipient of a data set sent by the computing device,* Reed discloses public and private key encryption techniques (column 51, lines 16-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the automated communications system of Reed with Pistriotto's system for redirecting the client's request messages to a caching proxy server. By redirecting communication packets to a known domain, consumer data such as usage and demographics can be gathered and statistically analyzed to determine how a consumer spends their time on the

Internet, what they buy, etc.   Analyzing this type of marketing data provides useful marketing information that can increase profitability.

With regard to the supplemental limitation of "...*to differentiate it from other computers that similarly direct data sets from the computing devices to said known domain,*" it is obvious that a unique identifier assigned to a device would inherently differentiate it from other devices.

Claim 2:

Reed/Pistriotto disclose the limitations as shown above. Reed/Pistriotto do not disclose *directing all data sets comprises configuring software running on the computing device to address all data sets to a known proxy server in the known domain*. However, Pistriotto, in column 4, line 56 to column 5, line 31, does disclose forwarding requests to and from proxy servers. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the automated communications system of Reed with Pistriotto's system for redirecting the client's request messages to a proxy server. By redirecting communication packets to a known domain, consumer data such as usage and demographics can be gathered and statistically analyzed to determine how a consumer spends their time on the Internet, what they buy, etc. Analyzing this type of marketing data provides useful marketing information that can increase profitability.

Claim 3:

With regard to the limitation of *building a database including at least part of the data sets,* Reed discloses a combination of the provider and consumer programs and databases (abstract).

Claim 4:

With regard to the limitation of *building a database includes building a database having at least one field selected from the group consisting of user age, user income level, user education level, household size, tine of transmission of the data set, location of computing device, date of transmission of the data set, currency paid, type of product purchased, type of service purchased, network address of the intended recipient of a data set, click-through address, banner advertisement impression, and permission e-mail received, and combinations thereof,* Reed discloses contact information, demographic data, psychographic data, billing information, product registration information, customer service data, technical support data, transaction histories, stock feeds, news data, weather data, and so on, stored in a consumer database (column 67, lines 11-37).

Claim 6:

With regard to the limitations of:

- *decoding an encrypted data set from the computing device with the first encryption key;*

- *encrypting the decoded data set with the second encryption key; and*

- *transmitting the data set encrypted with the second encryption key to the intended recipient via the network,* Reed discloses public and private key encryption techniques (column 51, lines 16-32).

Claim 15:

With regard to the limitation of *compressing the readdressed data*, Reed discloses compression techniques (column 53, lines 1-2).

Claim 17:

With regard to the limitations of:

- *logic configured to send data to and receive data from the consumer over the network;*

- *logic configured to negotiate a first encryption key with the consumer's computing device; and*

- *logic configured to negotiate a second encryption key with the content server,* Reed discloses public and private key encryption techniques (column 51, lines 16-32).

11.   Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed/Pistriotto further in view of Papierniak et al (US 6,128,624).

Claims 7-14:

Reed/Pistriotto disclose the limitations as shown above. Reed/Pistriotto do not disclose the following:

- *calculating a metric from the data recorded in the recording step indicative of how much money is spent per a set number of times a particular addressable data set on the network is requested by any user on the network.*

- *generating a set of records from the data recorded in the recording step, each record including data, the data being representative of a user's request for data from a single set of addresses on the network, and the data being representative of at least one characteristic of the user.*

- *generating a set of records from the data recorded in the recording step, each record in the set including the price paid for a product or service in a known class of products or services, and the date the price was paid; and*

- *generating time-price functions to provide an indication of the market price for products or services in the known class of products or services.*

- *generating a set of records from the data recorded in the recording step, the set of records including fields for data indicative of the amount of revenue a known network address generates over a set tine period or over a set number of requests for data from the known network address.*

- *generating a revenue projection over a given period of time for the known network address.*

- *generating a sales forecast for the known network address.*

- *generating a set of records from the data recorded in the recording step, the set of records including a field indicative of the number of times data at a known network address is requested by a user on the network.*

- *generating a set of records from the data recorded in the recording step, the set of records including fields indicative of a characteristic of users of the network, and at least one field indicative of network usage; and*

- *comparing the set of records to a second database based on a large population to predict an overall probability of network usage by network users having the characteristic for the entire population represented by the second database.*

However, Papierniak discloses a design database also includes a formatted file library providing classifications including at least one of process characterizations, customer descriptions, preference determinations, and behavior patterns, the classifications being reusable for at least one of different technical processes and different customer problems (abstract). Specifically, Papierniak discloses collecting data from ISP's and e-commerce service providers for marketing research. See at least column 15, line 60 to column 17, line 21. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Reed/Pistriotto with Papierniak because collecting usage data from the Internet allows companies to better understand their customer's needs.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
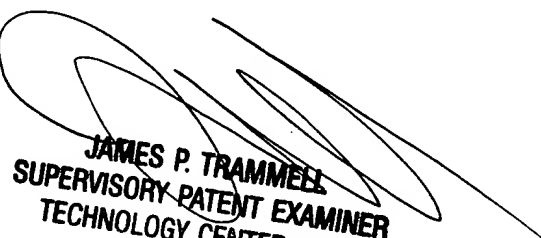
Washington, D.C. 20231

or faxed to:

(703) 305-7687   [Official communications; including

After Final communications labeled "Box AF"]

(703) 308-1396   [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JAR

05 March 2003

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600